

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION**

JAMES W. SETCHFIELD,

Plaintiff,

V.

ST. CHARLES COUNTY, et al.,

Defendants.

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Case No. 4:21-cv-00923-RLW

**DEFENDANTS NICHOLAS SEIVERLING’S, SCOTT RONALD’S, AND JOHN WILLIAMS’S MOTION FOR SANCTIONS**

COME NOW Defendants Officer Nicholas Seiverling, Corporal Scott Ronald, and Sergeant John Williams (collectively “Defendants”), by and through undersigned counsel, and pursuant to Federal Rule of Civil Procedure 37(b)(2)(A), state the following in support of their Motion for Sanctions against Plaintiff:

1. On August 15, 2022, after failing to resolve discovery issues between the parties, Defendants filed their Motion to Compel discovery responses from Plaintiff. (Doc. 27).
2. On January 12, 2023, Defendants filed a Supplemental Motion to Compel to update the Court on Plaintiff James W. Setchfield's discovery disclosures made after Defendants filed their initial Motion to Compel on August 15, 2022, as well as the relevancy of its previously-filed Motion to Compel. (Doc. 44).
3. In their Supplemental Motion to Compel, Defendants informed this Court that despite the production of documents subsequent to Defendants' August 15, 2022 Motion to Compel, Plaintiff still had not produced any medical records generated prior to August 18, 2020,

the date of the incident at issue in this case, which are clearly responsive to Request No. 3 of Defendants' First Request for Production. (Doc. 27, Ex. A).

4. As a result, Defendants informed this Court that they still sought "...all medical records, reports, charts or notations of whatever kind describing or indicating Plaintiff's physical or mental condition prepared by any physician, therapist, or any other person having occasion to treat, examine or care for Plaintiff" within the three-year period prior to the date (December 15, 2021) Defendants mailed their First Request for Production. (Doc. 44).

5. On February 3, 2023, this Court issued a Memorandum and Order granting Defendants' Motion to Compel filed on August 15, 2022, and ordering that "[o]n or before February 13, 2023, Plaintiff James W. Setchfield shall provide Defendants with all medical records, reports, charts, or notations of whatever kind describing or indicating Plaintiff's physical or mental condition prepared by any physician, therapist, or any other person having occasion to treat, examine or care for Plaintiff within the three-year period prior to December 15, 2021." (Doc. 49).

6. As of the date of this filing, Plaintiff has not provided the requested documents. Thus, Plaintiff has failed to comply with this Court's February 3, 2023 Order.

WHEREFORE, Defendants, by and through the undersigned, hereby request this Court grant their Motion for Sanctions, and for all other relief deemed just and appropriate by this Court.

Respectfully submitted,

**OFFICE OF THE ST. CHARLES  
COUNTY COUNSELOR**

/s/ *Frank J. Smith, Jr.*

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*Attorney for Defendants St. Charles County,  
Nicholas Seiverling, Scott Ronald, and  
John Williams*

**CERTIFICATE OF SERVICE**

I hereby certify that on the 6th day of March 2023, a true copy of the foregoing was delivered through the Court's Notice of Electronic Filing to:

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/s/ *Frank J. Smith, Jr.*